



Revisions to the Land Use Development Code Adopted by the Louisville Metro Tree Advisory Commission June 22, 2014

Mayor Greg Fischer created the Louisville Metro Tree Advisory Commission through an Executive Order in February 2012 in order “to protect, preserve and increase Louisville’s existing tree canopy”.

That Executive Order states:

“WHEREAS, Louisville/Jefferson County Metro Government ("Metro") wants to address concerns related to the health and extent of our tree canopy; and

WHEREAS, the creation of policies to better care for existing trees and plant new ones would assist in addressing these concerns; and

WHEREAS, trees provide multiple benefits to our environment and daily lives as they cleanse the air, provide shelter and shade, reduce storm water runoff, conserve energy, reduce noise, add value to property, and reduce the heat-island effect; “

The Commission (LMTAC) has conducted a thorough review of Chapter 10, Part 1, Tree Canopy Regulation, of the Land Use Development Code. LMTAC has determined two sections to be in direct opposition to the mission with which it has been charged. Therefore, the Commission recommends the following changes:

Delete:

- **Section 10.1.4.B Tree Canopy Reductions (referencing Land Item #7- Tree Canopy Reductions)**

Rationale: There should be no reference to reducing the tree canopy in the part of the code that is intended to spell out what is required. Rather than providing a means for not meeting the current standards for tree canopy, the code should provide incentives for complying with this requirement. As seen in other cities, density and trees are not mutually exclusive. All citizens of Louisville Metro, no matter where they live, should have access to the benefit of trees. By allowing tree canopy reductions, the Code does not support the fair distribution of trees throughout all neighborhoods and geographical areas of Louisville Metro.

Revise:

- **Section 10.1.8 Waivers (referencing Land Item #18- Tree Canopy Waivers)**

Rationale: LMTAC finds no reason to allow for any waivers to meeting the tree canopy requirements except in cases of financial hardship. The ways to comply with the tree canopy requirements are clearly laid out in Section 10.1.3 (referencing Land Item # 3, Canopy Compliance Options). These “methods of compliance” include an alternative of paying a “fee in lieu” to a designated Metro Government account to be used solely for the planting and maintenance of the required amount of trees at sites determined by the Urban Forester. Waivers for any other reason than the inability to pay the “fee in lieu” are unnecessary and undermine the intent and purpose of the Tree Canopy portion of the code as well as the stated goal of the Mayor and the efforts of LMTAC to significantly increase Louisville’s tree canopy coverage.

- **Section 10.1.3. (referencing Land Item #3 – Methods of Compliance)**

Rationale: The LMTAC believes that the “fee in lieu” payment should go to a non-profit entity designated by the City as opposed to a “city tree account” to ensure that the funds are spent on the planting and maintenance of trees. Therefore, “city” needs to be removed from “designated city tree account”.